

EXHIBIT D



Jayson Macyda <generalcounsel@kykoglobal.com>

SSG Defendants' Discovery to Plaintiffs

1 message

Ginsberg, Michael H. <mhginsberg@jonesday.com>

Fri, Sep 11, 2020 at 11:37 AM

To: Jayson Macyda <GeneralCounsel@kykoglobal.com>, Joseph Rodkey <jrodkey@fowkesrodkey.com>, Jeffrey Morris <morris@elliott-davis.com>

Cc: "Goetz, John D." <jdgoetz@jonesday.com>, "Baker, Douglas D." <ddbaker@jonesday.com>

Jayson:

Plaintiffs have now failed to comply with their discovery obligations under Federal Rules 33 and 34. Our interrogatories and requests for production were served on August 11, 2020, meaning the response deadline was yesterday, September 10, 2020. You raised a discovery dispute with the Court and were permitted an opportunity to file a brief explaining why your non-compliance with the discovery rules would be justified. You have not filed any such brief with the Court, and now your response deadline has passed.

As we have made clear in our prior correspondence, we are willing to grant Plaintiffs an extension on the production of some documents, provided that Plaintiffs serve and produce the following immediately:

1. Plaintiffs' responses to both the interrogatories and the requests for production.
2. All responsive documents and information located in the United States or Canada.
3. All documents and information supporting your allegations regarding any loan agreements between PSI and any of the SSG Defendants.
4. All documents and information relating your allegations about an agreement between PSI and PISL restricting the use of the bond funds. See, e.g., Compl. ¶ 101.
5. A copy of Madhavi Vuppalapati's hard drive, which Kiran Kulkarni has now stated in a sworn declaration is located in Canada.

Obviously, any of the above documents can be marked confidential and be produced subject to the Court's protective order.

If Plaintiffs agree to partially comply with their discovery obligations, as identified above, then the SSG Defendants will agree to an extension regarding the other document requests. We assume that Plaintiffs are working diligently to respond to those remaining requests, including gathering any documents or information located in India.

We have every intention of moving forward fully with merits discovery. To date, Plaintiffs have produced no documents in this case, have responded to none of our requests, and have served no merits discovery of their own. Mediation is now less than a month away. Please timely respond to the outstanding discovery.

Regards,

Mike

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